

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:10-CR-207

vs.

GOVERNMENT'S INITIAL PRETRIAL
CONFERENCE SUMMARY STATEMENT

SCOTT ALLAN HERRICK,

Defendant.

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements [Rule 16(a)(1)(A)]

☐ There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).

☒ There are the following written records of oral statements: July 1 and 2, 2010 (single interview that continued past midnight)
the substance of which
☒ has been disclosed to defense counsel
☐ will be disclosed to defense counsel by

2. Written or Recorded Statements [Rule 16(a)(1)(B)]

☒ There are no written or recorded statements or grand jury testimony of defendant.

☐ There are the following written or recorded statements or grand jury testimony:
All written or recorded statements
☐ have been disclosed to defense counsel
☐ will be disclosed to defense counsel by

B. Defendant's Prior Record [Rule 16(a)(1)(D)]

☒ The government has made due inquiry and is not aware of any prior criminal record.

☐ The government has disclosed defendant's prior criminal history.

☐ The government is now making inquiry into defendant's prior criminal history.
The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects [Rule 16(a)(1)(E)]

- ☐ The government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The government has the following documents, tangible objects, and physical evidence:
- ☐ Controlled Substances:
 - ☐ Drug Paraphernalia:
 - ☒ Records: birth certificate(s) (to be obtained), Internet Service Provider records (subscriber information for Scott Herrick), YMCA records of employment and enrollment, Boy Scout records of employment (to be obtained)
 - ☐ Drug Records:
 - ☐ Firearms:
 - ☐ Inventory (attached)
 - ☒ Other: child pornography, computers, external hard drive, camera device, iPod, photographs of boys' locker room at YMCA
- ☒ The government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:
- ☐ State search warrants for computers
 - ☒ Federal (list case number and caption)
 - 1:10-MJ-344 (1733 Owasippe Road, Twin Lakes, MI)
 - 1:10-MJ-348 (HP Pavilion dv6700 laptop computer and iPod Touch)
- ☒ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with Special Agent Adam Van Deuren, FBI (616) 456-5489

D. Reports of Examinations and Tests [Rule 16(a)(1)(F)]

- ☐ The government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☒ The government has or expects to have reports of the following examinations and tests:
- | | | |
|--|---|--|
| <input type="checkbox"/> Drug Analysis | <input type="checkbox"/> Handwriting | <input type="checkbox"/> Fingerprints |
| <input type="checkbox"/> DNA | <input type="checkbox"/> Firearms/Nexus | <input type="checkbox"/> Gun Operability |
| <input checked="" type="checkbox"/> Computer Forensics | | <input type="checkbox"/> Other |

E. Reciprocal Discovery

- ☒ The government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

- ☐ The government does not presently intend to introduce 404(b) evidence.
☐ The government does presently intend to introduce the following 404(b) evidence:
☒ The government will provide pretrial notice of 404(b) evidence by two weeks to final pretrial conference. We are investigating allegations that Defendant had inappropriate contact with children at Gerber Scout Camp.

G. Other Discovery Matters:

II. TRIAL

- A. The government requests a ☒ jury ☐ non-jury trial.
B. Length of trial excluding jury selection is estimated at 3-4 days

III. MISCELLANEOUS

- ☒ The government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.
☐ The government is aware of the following potential conflict(s):
☐ Government's plea negotiation policy:

Date: July 26, 2010

/s/ Daniel Y. Mearu
DANIEL Y. MEKARU
Assistant United States Attorney